

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MICHIGAN

In re:

LARRY ALLEN CLUCHEY,

Debtor.

Case No. BG 21-00524
Chapter 7

WORLD ENERGY INNOVATIONS, LLC,
f/d/b/a WORTHINGTON ENERGY
INNOVATIONS, LLC,

Plaintiff,

Adversary Proceeding
No. 21-80053

v.

LARRY ALLEN CLUCHEY &
SHERRY D. CLUCHEY,

Defendants.

**ORDER CONSOLIDATING CLAIM OBJECTIONS WITH
ADVERSARY PROCEEDING**

PRESENT: HONORABLE JAMES W. BOYD
United States Bankruptcy Judge

On May 14, 2021, World Energy Innovations, LLC ("WEI" or the "Plaintiff") filed the above-captioned adversary proceeding against Debtor Larry Allen Cluchey and his non-debtor spouse, Sherry Cluchey. Among other relief, the complaint seeks to establish that Larry and Sherry Cluchey are jointly liable to WEI for certain alleged fraudulent and preferential transfers from Larry Cluchey's business, American Research Products, Inc. (AP 21-80053, Dkt. No. 1.) WEI also filed a joint claim in the base case on May 14, 2021. (Case No. 21-00524, Claim No. 1.) The joint claim drew objections from both Larry and Sherry Cluchey (referred to herein as the "Cluchey Objections to Claim No. 1"). (Case No. 21-00524, Dkt. Nos. 35 & 37.) WEI filed a response to the objections on September 9, 2021. (Case No. 21-00524, Dkt. No. 54.)

Hearings on the claim objections were held before this court on September 16, 2021. John C. Cannizzaro, attorney for WEI, Denise D. Twinney, attorney for Larry Cluchey, and Steven L. Rayman, attorney for Sherry Cluchey, appeared at the hearings.

Larry and Sherry Cluchey were also present. At the conclusion of the hearings, and with the agreement of all parties, the court determined to issue this order, consolidating the Cluchey Objections to Claim No. 1 with the adversary proceeding. See Fed. R. Bankr. P. 7042.

At the hearings, counsel for WEI stated that it had recently filed a second claim, Claim No. 4, in the base case. To the extent that claim also draws objections, the court will likely consolidate those objections with this adversary proceeding by entry of a separate order.

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The Cluchey Objections to Claim No. 1 (Case No. 21-00524, Dkt. Nos. 35 & 37), are hereby CONSOLIDATED with Adversary Proceeding No. 21-80053.
2. All future pleadings related to the Cluchey Objections to Claim No. 1 and/or the adversary proceeding shall be docketed and filed in Adversary Proceeding No. 21-80053.
3. This order shall be docketed in the base case, Case No. 21-00524, along with a separate docket entry stating: "An order has been entered consolidating the Cluchey Objections to Claim No. 1, Dkt. Nos. 35 & 37, with Adversary Proceeding 21-80053. All future pleadings regarding the claim objections shall be docketed and filed in Adversary Proceeding No. 21-80053 until further order of the court. The docket for Adversary Proceeding No. 21-80053 should be consulted for all matters affecting the claim objections."
4. The issues raised in the Cluchey Objections to Claim No. 1, and the response filed by WEI, will be considered in the consolidated adversary proceeding without the need for amendment of the pleadings.

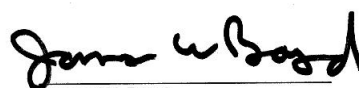
IT IS FURTHER ORDERED that the Clerk shall serve a copy of this order pursuant to Fed. R. Bankr. P. 9022 and LBR 5005-4 upon John C. Cannizzaro, Esq. and Tyson A. Crist, Esq. attorneys for Plaintiff WEI; Robert F. Wardrop, II, Esq. and Denise D. Twinney, Esq., attorneys for Defendant Larry Cluchey; Steven M. Bylenga, Esq., attorney for Defendant Sherry Cluchey; and John T. Piggins, attorney for Marcia R. Meoli, Chapter 7 Trustee.

END OF ORDER

IT IS SO ORDERED.

Dated September 20, 2021




James W. Boyd
United States Bankruptcy Judge